

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.1797 of 1990.

Dinesh Anant Rane ..Plaintiff

versus

Shree Constructions & Ors. ..Defendants

None for the Plaintiff

Mr.Kudalkar i/b.P.M.Shah for the defendant Nos.1
and 2.

Mr.H.S.S.Murthy for the Defendant No.3

CORAM : R.Y.GANOO, J.

DATED : 13th August, 2008.

P.C.

1. On last three occasions and today also nobody is present on behalf of the plaintiff. It appears that the plaintiff is not interested in prosecuting the suit and the same is required to be dismissed.

2. By Order dated 27.8.1992 Receiver, High Court, Bombay was appointed and possession of the suit premises was taken from the defendant Nos.1 and 2. The defendant No.3 is appointed as agent of the Court Receiver and this arrangement is in operation till today. Since the suit is being dismissed, the Receiver will have to be discharged and appropriate Order regarding handing over of

possession to the defendant Nos.1 and 2 from whom the possession was taken will have to be passed. The defendant No.3 had deposited a sum of Rs.10,000/- as per the Order of the Court and I am informed that the same is invested in Fixed Deposit. That amount along with the interest accrued should go back to the defendant No.3. Hence the Order.

ORDER

1. The suit is dismissed for want of prosecution with no order as to costs.

2. Receiver, High Court, Bombay is discharged. Without taking of accounts. Receiver to take possession from the Defendant No.3 who is presently in possession of the premises as agent of the Court Receiver and deliver the possession of the said premises to the defendant Nos.1 and 2. This should be done on the basis of the authenticated copy of this Order as expeditiously as possible.

3. Office to refund the sum deposited by the Defendant No.3 namely Rs.10,000/- (Rupees Ten

Thousand) along with the interest accrued thereon to the Defendant No.3 on production of the authenticated copy of this Order, as expeditiously as possible.

(R.Y.Ganoo, J.)